

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 27752 PERMIT 19827 LICENSE \_\_\_\_\_

ORDER APPROVING A CHANGE IN BYPASS FLOWS  
AND A NEW DEVELOPMENT SCHEDULE

**WHEREAS:**

1. Permit 19827 was issued to Bear State Water Works on April 8, 1986 pursuant to Application 27752.
2. Petitions for change of bypass flows and for extension of time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board (Board).
3. A field investigation was conducted by Board staff and on January 23, 1991, Board staff recommended that the bypass flow set forth in Permit Condition 16 be revised to address bypass requirements under dry and critically dry conditions and permittee did not object to staff's recommendations.
4. The petitioned change of bypass flows would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The permittee has proceeded with diligence and good cause has been shown for said change and extension of time.

**NOW, THEREFORE, IT IS ORDERED THAT:**

- 1 Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE December 31, 1995 (0000008)

2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE December 31, 2000 (0000009)

3. Condition 16 of the permit be amended to read:

For the protection of instream resources riparian vegetation and to insure an adequate flow for riparian diversions permittee shall bypass flows as follows:

- 1) 25 gallons per minute (gpm), if flow is 30 gpm or greater;
- 2) one-half the flow, if flow is between 10 and 30 gpm; and
- 3) no by-pass, if flow is less than 10 gpm.

(0160400)

Dated: JULY 08 1991

*Roger [Signature]*  
for Jesse M. Diaz, Chief  
Division of Water Quality  
and Water Rights

## STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19827Application 27752 of Bear State Water Works4921 Volcanoville Road, Georgetown, California 95634filed on May 10, 1983, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

## 1. Source:

## Tributary to:

Unnamed SpringUnnamed Stream thenceOtter Creek thenceMiddle Fork American River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
North 39°East, 1,650 feet from SW corner of Section 24	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	24	13N	11E	MD

County of El Dorado

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
Municipal	Bear State Water Works Service Area located as follows:					
	SW $\frac{1}{4}$	24	13N	11E	MD	
	All Sections 9, 15, 16, 22, 23, 25 and 26		13N	11E	MD	
	S $\frac{1}{2}$	10	13N	11E	MD	
	S $\frac{1}{2}$	14	13N	11E	MD	
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	13	13N	11E	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.064 cubic foot per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 37 acre-feet per year.

No water shall be diverted until either:

(1) a contract has been consummated between the permittee and a party which has rights to provide a concurrent exchange of water for water diverted under this permit during the period June 16 through October 31 or

(2) until permittee has provided assurance, acceptable to the Chief, Division of Water Rights, of an alternate supply of water during this period. If the alternate source is other than an exchange contract, no water shall be diverted under this permit during the period June 16 through October 31.

A copy of any executed contract shall be filed with the State Water Resources Control Board.

(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

(0000007)

8. Construction work shall be completed by December 1, 1989.

(0000008)

9. Complete application of the water to the authorized use shall be made by December 1, 1990.

(0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

(0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board, designated representatives of the Bear State Property Owners Association, and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific

requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

14. The equivalent of the continuous flow allowance for any 7-day period may be diverted in a shorter time, provided there be no interference with other rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed.

(0000027)

15. This permit is subject to prior rights. Permittee is put on notice that during some years water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Sacramento River are such that in any year of water scarcity the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing.

(0000090)

16. For the protection of instream resources riparian vegetation and to insure an adequate flow for riparian diversions permittee shall bypass a minimum of 25 gallons per minute or the available flow, whichever is less, at the point of diversion.

(0160400)

17. No water shall be diverted under this permit until permittee has installed devices satisfactory to the State Water Resources Control Board, which are capable of measuring both the diverted and bypass flows required by the conditions of this permit. Said measuring devices shall be properly maintained. The amount of water diverted per month shall be reported in the permittee's annual progress report. This report shall also include the amount of water bypassed per month during the months of June through October if the permittee enters into a exchange contract which would allow diversion during this period.

(0360999)

(0090999)

18. Permittee shall design and construct all water regulation, transmission, distribution and service facilities and water supply for fire protection to meet Georgetown Divide Public Utility District, State or American Waterworks Association standards and specifications.

(0450999)

19. Permittee shall implement the following water conservation measures in the use of water authorized under this permit:

- (1) Publicize, or assist publicizing, the availability of water saving retrofit devices and distribute free devices to persons requesting them.
- (2) Support local water conservation information programs with funds, staff or material (bill stuffers) for a minimum of 2 years (3 mailings per year is considered a minimum).
- (3) Establish, or assist establishing, a water distribution system leak detection program.

(0410999)

20. Permittee shall limit excavation for any water mains to those routes surveyed and identified in the "Rare Plant Inventory of the Water Removal Project Proposed By Bear State Water Works", dated July 5, 1985 and the "Cultural Resources Investigation of Bear State Waterworks Construction Project, El Dorado County California," dated July 1, 1985, copies of which are on file with the State Water Resources Control Board.

Prior to excavation for any water main routes additional to or in lieu of those surveyed in the above documents, permittee shall conduct field surveys for rare plants and cultural and historic resources along the additional or revised water main alignments and submit the survey reports to, and receive written approval from, the Chief, Division of Water Rights. Any identified potential impacts shall be avoided or fully mitigated.

(0120500)

21. If any previously unrecorded archeological or historical sites are discovered during the course of construction or development of any project works, construction activity in the vicinity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the permittee shall consult with the State Historic Preservation Office (SHPO) to develop a mitigation plan for the protection of significant archeological or historical resources.

(0380500)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

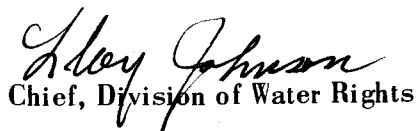
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: APRIL 8 1986

STATE WATER RESOURCES CONTROL BOARD

  
Chief, Division of Water Rights